Mr. C. K. Nayar *(Nemmara):* We do. But the Government accept it.

Mr. President: Government cannot possibly prevent Hon'ble Members from using these terms if the Hon'ble Members wish to.

Mr. A. B. Salem *(Mattancheri):* May I know, whether, the Ezhuvas come under Savarnas.

Mr. President: Order, order.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: അദർ ഹിൻഡൂസ് എന്ന ക്ലൂട്ടത്തിൽ കാസ്റ്റ് ഹിൻഡൂസ് ഉപട്ടകയില്ലേ?

രാമവമ്മതമ്പുരാൻ: അതു് ഓരോരുത്തരുടെ അഭിപ്രായം പോലെയിരിക്കും.

COMMENTS ON JUDGMENTS AND ORDERS OF MAGISTRATES

11. Mr. K. Narayana Menon *(Mulakunnathukavu):* Will Government be pleased to state.—

(*a*) whether there have been instances in 1118, 1119 and 1120 of the Commissioner of Police or any other officer of his department sending to District Magistrate comments, criticisms, observations, complaints or other remarks about the judgments or orders delivered by the Magistrates in cases prosecuted by the Police Department;

(*b*) whether such communications have not been sent to the District Magistrate with requests that they may be transmitted to the Magistrates under him by the District Magistrates;

(*c*) if there have been no requests as contemplated in question (*b*) above, were not such communications sent with the desired intention or idea that they might be so transmitted;

(*d*) whether there have been occasions when the District Magistrate so transmitted them;

(*e*) whether the District Magistrate on any occasion in these three years objected to the Police Department making such communications;

(*f*) whether the District Magistrate on any occasion advised or informed the Police Department, that the proper course for the Police Department, if it has any grievance against any decision of a Magistrate, is to appeal to higher tribunal under the Cochin Code of Criminal Procedure?

Mr. B. V. K. Menon *(Joint Secretary to Government):*

(*a*) No.

(*b*), (*c*) & (*d*) No answer is necessary in view of answer to question (*a*).

(*e*) No.

(*f*) In the year 1120, a commnnication was received from the Commissioner of Police calling attention to the procedure adopted by Magistrates in dealing with application for the granting of copies of case diaries. A reply was sent by the District Magistrate explaining the law on the subject.

Mr. K. Narayana Menon *(Mulakunnathukavu):* With reference to the answer to (*f*), may I know whether this correspondence relate to orders passed by the Magistracy.

Mr. President: Would the Hon'ble Member speak a little louder?

Mr. K. Narayana Menon *(Mulakunnathukavu):* I am referring to sub-division (*f*). May I know, whether, this correspondence refer to orders passed by Magistrates upon petitions and applications for copy of the case diaries?

Mr. B. V. K. Menon *(Joint Secretary to Government):* It does not refer to any particular order.

Mr. K. Narayana Menon *(Mulakunnathukavu):* My question is whether the correspondence relates to orders passed by Magistrates on applications relating to case diaries?

Mr. B. V. K. Menon *(Joint Secretary to Government):* Yes.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* May I know, Sir, whether there was not in the communication a suggestion that copies of case diaries should not be given to the accused?

Mr. B. V. K. Menon *(Joint Secretary to Government):* The then officiating Commissioner of Police was apparently under an erroneous impression of the law. He was under the impression that the old section under which copies of case diaries could not be given was in force. The District Magistrate pointed out to him the amended law.

Mr. P. P. Devassy *(Trichur-South):* Does the District Magistrate's communication contain a direction to the Magistrates that they should ask the Police whether copies can be given before orders are issued.

Mr. B. V. K. Menon *(Joint Secretary to Government):* The District Magistrate sent only a reply to the Commissioner of Police.

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Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: On receipt of this important communication did the District Magistrate call for the opinion of the subordinate Magistracy in the matter?

Mr. B.V. K. Menon *(Joint Secretary to Government)*: I want notice.

ARECANUTS—DUTY ON

12. Mr. K. Narayana Menon *(Mulakunnathukavu)*: Will Government be pleased to state.—

(*a*) the basis or calculation if any on which the arecanut duty of 2 as. per pound is now levied;

(*b*) whether they have enquired into or considered the relation or ratio between the actual prices and the duty?

Mr. C. J. Mathew *(Joint Secretary to Government)*:

(*a*) The duty of 2 as. per lb. is one fixed by the Government of India and not by this Government.

(*b*) Does not arise in view of the answer to (*a*).

Mr. K. Kunhirama Menon *(Cheruthuruthi)*: I request that questions Nos. 13 and 14 may also be put.

Mr. President: Yes.

Mr. T. A. Ramachandra Ayyar *(Nellayi)*: Question No. 15 also may be answered.

Mr. President: Yes.

13. Mr. K. Kunhirama Menon *(Cheruthuruthi)*: Will Government be pleased to state.—

(*a*) if an order has been issued to take statistics of Arecanut trees in the State;

(*b*) if so what is the intention of the Government?

Mr. C. J. Mathew *(Joint Secretry to Government)*:

(a) Yes.

(*b*) To know the extent of cultivation.

14. Mr. K. Kunhirama Menon *(Cheruthuruthi)*: Will Government be pleased to state.—

(*a*) the basis on which the new Excise duty on arecanut has been levied;

(*b*) is the Government aware that this has brought on severe losses to arecanut cultivators and their employers?

Mr. C. J. Mathew *(Joint Secretary to Government)*:

(*a*) The duty fixed is annas two per pound on the same basis as in British India.

(*b*) The cultivators have submitted a memorandum which is being enquired into.

15. Mr. T. A. Ramachandra Ayyar *(Nellayi)*: Will Government be pleased to state whether they have received a memorandum submitted by the Committee for the protection of Arecanut Growers, Trichur. If so what action has the Government taken to redress the grievances of Arecanut Growers in the State?

Mr. C. J. Mathew *(Joint Secretary to Government)*: Yes. It is being enquired into.

Mr. C. V. Iyyu *(Kunnamkulam)*: May I know, whether the Government has come to any conclusion as to the working of this Act in this State?

Mr. C. J. Mathew *(Joint Secretary to Government)*: Yes.

Mr. C. V. Iyyu *(Kunnamkulam)*. May I know, whether they have placed the matter before the Government of India for reducing the tax from two annas?

Mr. C. J. Mathew *(Joint Secretary to Government)*: In a memorandum received recently this question has been raised and it is being examined by the Government.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: With reference to sub-division (*f*) of question No. 12, may I know, whether they have considered the relation or ratio between the actual price and the duty?

Mr. C. J. Mathew *(Joint Secretary to Government)*: We have not.

Mr. A. B. Salem *(Mattancheri)*: May I know whether the Excise duty is imposed under the Act?

Mr. C. J. Mathew *(Joint Secretary to Government)*: Yes. It is under the Act.

Mr. A. B. Salem *(Mattancheri)*: May I know whether the Act has been amended accordingly.

Mr. M. Sivarama Menon *(Advocate-General)*: There is a special Excise Duty Act for Betelnut, Coffee and Tea.

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